

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiff,

v.

UNITED STATES MARITIME
ADMINISTRATION, PETE BUTTIGIEG, in
his official capacity, and ANN C. PHILLIPS,
in her official capacity,

Defendants.

Civil Action No.: 4:21-cv-132-EWH-LRL

DEFENDANTS' STATUS REPORT

Pursuant to the Court's Order, Federal Defendants provide notice that the Maritime Administration ("MARAD") requested initiation of informal consultation with the National Marine Fisheries Service on September 29, 2023, regarding MARAD's fiscal year 2018 James River Project grant. *See* Order, ECF 59; Exhibit 1. MARAD's request includes an effects determination that the fiscal year 2018 grant may affect, but is not likely to adversely affect, Atlantic sturgeon. *Id.* at 2. MARAD requested that NMFS provide a written concurrence or non-concurrence with this determination within 60 days. *Id.* at 10.

Federal Defendants will submit another status report by December 1, 2023.

[Signature page follows.]

Dated: October 2, 2023

Respectfully submitted,
PETE BUTTIGIEG,
Secretary of Transportation,

ANN C. PHILLIPS,
Administrator of Maritime Administration,

MARITIME ADMINISTRATION,

JESSICA D. ABER,
United States Attorney

/s/

Garry D. Hartlieb, IL Bar No. 6322571
Assistant United States Attorney
Office of the United States Attorney
101 West Main Street, Suite 8000
Norfolk, Virginia 23510
Telephone: (757) 441-6331
Facsimile: (757) 441-6689
E-mail: garry.hartlieb@usdoj.gov

TODD KIM,
Assistant Attorney General

S. JAY GOVINDAN,
Section Chief

MEREDITH L. FLAX,
Deputy Section Chief
U.S. Department of Justice
Environment & Natural Resources Division
Wildlife & Marine Resources Section

/s/

Kaitlyn Poirier, TN Bar No. 034394
(admitted pro hac vice)
Wildlife & Marine Resources Section
Ben Franklin Station
P.O. Box 7611
Washington, D.C. 20044
Telephone: (202) 598-1050
Facsimile: (202) 305-0275
E-mail: kaitlyn.poirier@usdoj.gov
Counsel for Defendants